

January 2, 2008

Mr. Eric Taylor, Project Manager
DOT&PF, Division of Program Development
PO Box 112500
Juneau, Alaska 99801-2500

Re: Comments for Draft Statewide Long Range Transportation Policy Plan

Dear Mr. Taylor,

Thank you for the additional opportunity to comment on Alaska's Statewide Long Range Transportation Policy Plan "2030 Let's Get Moving". The previous comments submitted by the Southwest Alaska Municipal Conference (SWAMC) pertained to the importance of including port and harbor facilities in the Policy Plan. Unfortunately, we do not believe that our concerns were adequately addressed in the current draft version of the SWLRTPP. The Introduction (page 2, paragraph 3) to the SWLRTPP fails to even mention State ownership or responsibility for port and harbor maintenance, signaling a bad omen for the remainder of the document.

The reasons for our current frustrations are outlined below, and several of them are based on the FHWA Rules and Regulations regarding Statewide Transportation Planning and Programming. After reviewing the new draft document it appears that it may be non-compliant with 23 CFR §450 Subpart B with respect to the policy's exclusion of ports, harbors, and waterfront development.

Areas of non-compliance are listed below, with SWAMC's comments in italics.

- §450.206: States that transportation planning (1) **shall** [emphasis added] support economic vitality and global competitiveness; (4) **shall** increase accessibility and mobility of freight; and (5) **shall** promote economic development patterns. *Nearly all of Alaska's supplies are brought into the state via marine transportation; nearly all of our exports are shipped to domestic and international markets via marine transportation; the predominance of visitors to our state arrive and depart via marine transportation. It is very clear that the state relies heavily on its ports and harbors, which are the economic links driving our national and global competitiveness in terms of natural resource development including the natural gas pipeline, the movement of passengers and freight, as well as increasing opportunities for economic development activity.*

- § 450.208(2): Asserts that the State shall, **at a minimum** [emphasis added], coordinate planning... with statewide trade and economic development planning activities. *This clearly maintains that DOT&PF coordinate transportation planning with Alaska Regional Development Organizations (ARDOR), such as SWAMC; Economic Development Districts (EDD); and other regional economic development entities.* Coordination as defined in 23 CFR 450.104 “means the cooperative development of plans, programs, and schedules among agencies and entities with legal standing and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate”. *The coordination (as defined above) in the development of the SWLRTPP should have involved DOT&PF planners and contractors sitting down at the table with ARDORs, EDDs, and other EDOs to plan and discuss the economic implications of policy and planning decisions and that those concerns be incorporated into the planning document. To date we seen no evidence that this **coordination** has been conducted.*
- §450.214(a): The State shall develop a long-range statewide transportation plan...that provides for the development and implementation of the multimodal transportation system (which) **shall consider and include** [emphasis added] ...waterways. *This regulation unequivocally states that waterways are to be included in long-range transportation plans. The Department’s dismissive one paragraph summary of its non-involvement in the State’s ports and harbors should not, and cannot, be seen as appropriately addressing ports and harbors in any statewide transportation plan. The policy on ports and harbors on page 38 of the SWLRTPP is not only a slap in the face for all of the state’s residents, businesses, and municipalities whose well-being is dependent on our ports and harbors, but it is also inaccurate and misleading (intentional or not). As seen below, the State of Alaska through DOT&PF is still in possession of, and responsible for, thirty-six port developments throughout the state. To dismiss the Department’s responsibility so lightly is a gross miscarriage of the public’s trust.*

In addition to the disregard for the aforementioned federal regulations, SWAMC also sees other key port and harbor issues ignored in the SWLRTPP:

- Alaska’s coastline is immense when compared to the rest of the country, and the state’s coastal infrastructure should be adequately developed and maintained in accordance with its value. There are numerous coastal economic issues that are vital to the region and the state as we move towards 2030 including fisheries, offshore oil and gas development, mining, and tourism. These issues should be addressed through coordinated efforts, especially in consideration of the eight planning factors mandated by federal law. These include:

- (1) Support the economic vitality of the United States, the States, metropolitan areas, and non-metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
 - (4) Increase accessibility and mobility of people and freight;
 - (5) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.
- Page 38 of the SWLRTPP states that “Ports and harbors are owned and operated by local agencies and other units of government.” While this is true, there are currently 36 **State-owned** waterfront developments located across all three regions of Alaska. Additionally, the Alaska State Legislature recently established the Municipal Harbor Facility Matching Grant Program as a mechanism for the State to remain involved with port and harbor maintenance and development. The Program is based on an annual appropriation, with DOT&PF responsible for the management and administrative duties of the grant. This Program indicates that the Legislature does not believe that the State has severed its responsibility to oversee the maintenance and development of Alaska’s waterfront infrastructure.
- Harbors are regularly mentioned in the Department’s regional plans but omitted from the SWLRTPP. The effect of this will be to downgrade their priority and our concern is that this will subsequently make waterfront development funding very difficult to obtain. If harbors are not identified in the needs analysis then a good chance exists that they will not receive the funding they require, especially if the Department moves forward with enabling legislation for a statewide infrastructure bank.
- There is little to no mention of climate change in the SWLRTPP document. Studies, such as ISER’s *“Estimating Future Costs for Alaska Public Infrastructure At Risk from Climate Change”*, have shown that Alaska faces significant increases in infrastructure costs related to climate change, and any long-range transportation plan should consider and weigh these assessments.
- There are inconsistencies found within the SWLRTPP which imply that there has been inadequate scrutiny of the document itself. An example can be found on page 10 of the Public Review Draft and reads as follows: *“Alaska’s network of highways, airports, and **harbors** [emphasis added] together provide the lifelines that support the social and economic wellbeing of Alaskans.”* This statement rings true and yet there is no policy or planning effort by the Department in relation to these **harbors** throughout the rest of the document.

From these concerns, SWAMC recommends that:

1. DOT&PF postpone the adoption of the SWLRTPP until the plan’s deficiencies regarding waterfront infrastructure have been addressed. Due to an apparent significant shift in the

department's policies, we believe that more work needs to be completed to bring this document into compliance with federal regulations and the intent of SAFETEA-LU. This document must develop a guiding set of policies for all three planning regions regarding waterfront development and include them in the SWLRTPP. This additional information in the document must ensure that the state's waterfront infrastructure is placed on an equal footing with roads. In many communities, marine transport is the only available 'road' and they are deserving of greater consideration within this document.

2. DOT&PF should modify and strengthen the existing SWLRTPP by adding language that identifies the existence and importance of waterfront infrastructure. For example:
 - Page 11: The section System Preservation should now read *"As the owner of highways, bridges, airports, non-motorized elements, waterfront infrastructure, terminals, and vessels, ADOT&PF is responsible for their preservation and maintenance."*
 - Page 12: Policy 4 should now read *"Policy 4: Increase understanding of and communicate ADOT&PF's responsibilities for system preservation as the owner of highways, airports, waterfront infrastructure, and vessels"*.
 - Page 12: The section System Operations and Management should now read *"Operations refer to the day-to-day operation of airports, waterfront infrastructure, vessels, and highways to ensure their productivity, safety, and security."*
 - Page 12: The second point of Policy 5 should now read *"We will increase understanding of and communicate ADOT&PF's operational responsibilities for highways, airports, waterfront infrastructure, and vessels."*
 - Pages 12 & 13: Policies 7 and 8 will be very difficult to implement and accomplish if waterfront infrastructure is not a priority for the Department. The vast majority of Alaska's economic activity passes through ports and harbors at some point.
 - Page 13: The section Safety should now read *"ADOT&PF has responsibilities for the design, construction, and operation of safe highways, ports and harbors, ferries, and airports."*
 - Page 13: The section Security should now read *"We have responsibility for addressing security related requirements at airports, on AMHS vessels, ports and harbors, and in highway facilities."*
 - Page 13: It is hoped that the Department is truly intent on pursuing the **coordination** in Policy 13, in accordance with 23 CFR 450.104, and not consultation as is the norm today.
3. DOT&PF change its planning process by **coordinating** planning efforts with the ARDORs and EDDs as promulgated in SAFETEA-LU. ARDORs and EDDs have economic development planning significance bestowed upon them by the Legislature and Congress, which make them the appropriate entities for the Department to coordinate transportation planning activities. *In 1988, the Alaska Legislature established the ARDOR program (AS 44.47.900) in support of the belief that a locally driven initiative, in partnership with the State and other entities, could most effectively stimulate economic development to produce healthy,*

sustainable local economies. The Legislature has reauthorized the program several times since 1988, most recently in 2005.

4. DOT&PF continue funding and administering the Community Transportation Program and include it as a priority for the Department in the plan. The CTP is of great importance to many unincorporated and incorporated communities and needs to be reflected in the SWLRTPP. On page 16 it is written *"From the state's perspective, Alaska's main highways and ferry routes are of strategic concern. Only the state has the responsibility for these systems and only the state will establish and improve them over time."* Our concern is that many projects of local importance will not be completed if the Community Transportation Program is discontinued or its priority downgraded.
5. Lastly, DOT&PF should remain mindful that the Legislature is the governing assembly for the Unincorporated Borough and the unincorporated communities within it. As such, the state retains responsibility for those communities, especially in relation to infrastructure development. The Department has been successful in improving and transferring harbor facilities to municipalities and boroughs; however, there is a huge need for waterfront improvements in unincorporated coastal communities. Many of these communities do not have the infrastructure to load/offload their supplies and are forced to lighter freight from barges to shore which drives up the delivery costs for goods shipped by barge. The SWLRTPP should consider the waterfront infrastructure needs of these unincorporated communities that have no local tax base or public works authority to maintain local coastal infrastructure.

Thank you for heeding our concerns, and we hope to see a more comprehensive policy in the final version of the SWLRTPP that adequately addresses the state's ports and harbors. Again, we feel it is imperative that the State play a major role in maintaining Alaska's vital waterfront infrastructure to ensure our economic competitiveness and continued quality of life. I am always available if you would like to discuss the content of this letter.

Sincerely,
Southwest Alaska Municipal Conference



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Executive Director

Cc: Dale Miller – Federal Highways Administration, Juneau
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Senator Gary Stevens
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